

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
v. ) Case No. CIV-19-336-G  
 )  
LAFORGE & BUDD CONSTRUCTION )  
COMPANY, INC. )  
Defendant. )

**DEFENDANT'S NOTICE TO WITHDRAW MOTION FOR PRESERVATION OF  
EVIDENCE AND MEMORANDUM IN SUPPORT [DOC. NO. 11] WITHOUT  
PREJUDICE**

NOW COMES Defendant LaForge & Budd Construction Company, Inc., ("L&B") by and through their undersigned counsel of record, in the entitled and numbered cause, and hereby withdraws, without prejudice to refiling, its *Motion for Preservation of Evidence and Memorandum in Support* [Doc. No. 11], filed October 11, 2019 (the "Motion").

WHEREFORE, L&B requests that the Court approve an order approving the withdrawal of the Motion without prejudice to refiling it if necessary [Doc. No. 11].

Respectfully submitted,

/s/ Spencer F. Smith  
M. Richard Mullins, OBA No. 13329  
Spencer F. Smith, OBA No. 20430  
MCAFEE & TAFT A PROFESSIONAL  
CORPORATION  
10th Floor, Two Leadership Square  
211 N. Robinson  
Oklahoma City, OK 73102  
Telephone: (405) 235-9621

Facsimile: (405) 235-0493  
richard.mullins@mcafeetaft.com  
spencer.smith@mcafeetaft.com  
**ATTORNEY FOR DEFENDANT, LaFORGE  
& BUDD CONSTRUCTION COMPANY INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2019, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing system.

Ronald R. Gallegos,  
Don Evans,  
Office of the United States Attorney  
Western District of Oklahoma  
210 Park Avenue, Suite 400  
Oklahoma City, OK 73102  
ron.gallegos@usdoj.gov  
don.evans@usdoj.com  
**COUNSEL FOR PLAINTIFF**  
**UNITED STATE OF AMERICA**

/s/ Spencer F. Smith  
Spencer F. Smith